

09/500,921

**REMARKS**

Claims 1-35 are all the claims pending in the application. Claims 1-2, 5, 8, 10-11, 16, 20, 23-24, 27, 30, and 33 stand rejected upon informalities. Claims 1-35 stand rejected on prior art grounds. Applicants respectfully traverse these objections/rejections based on the following discussion.

**I. The 35 U.S.C. §112, First and Second Paragraph Rejections**

Claims 1-2, 5, 8, 10-11, 16, 20, 23-24, 27, 30, and 33 stand rejected under 35 U.S.C. §112, first and second paragraph. More specifically, the Office Action objects to the amended language "protocol instances." In order to overcome this objection, the claims are returned to their original language by striking the previously added word "protocol" from the above phrase. Further, even though fully supported by the specification, the term "multiplexor" has been replaced with the broader and more generic term "intermediary" in order to address the rejection. In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw this rejection.

**II. The Prior Art Rejections**

Claims 1-3, 5-12, 14-18, 20-25, 27-31 and 33-35 stand rejected under 35 U.S.C. §102(e) as being anticipated by Scholl et al. Claims 4, 13, 19, 26, and 32 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Scholl in view of Rogers et al. Applicants respectfully traverse these rejections based on the following discussion.

**A. The Rejection Based on Scholl et al.**

The Office Action appears to insinuate that that a process of submitting the same duplicate request to independent processors is a legacy process; however, the claimed

09/500,921

invention goes well beyond such processes by using an intermediary that creates different instances of the same request to accommodate the different instances (e.g., syntax, etc.) of the same server program. Therefore, the claimed invention goes well beyond the legacy process alluded to in the Office Action and avoids the need to modify the server program, client program or protocol.

The invention includes a software intermediary in the communications between one client program and multiple instances of a server program. With the conventional systems the client program, the protocol and/or the server programs are modified to allow a request from the client program to be issued to multiple instances of the server program. This process is very time consuming and expensive. The invention is fundamentally different because the invention only modifies the request (and the response to the request) to accommodate the different instances of the server program. By modifying only the request and the response, the invention avoids the need to modify the server program, client program, or protocol. Further, because only the request and the response are modified, the process can be performed automatically using the invention, which makes the request and response transparent (e.g., appear as a one-to-one communication) to the server and client programs.

A single client program often needs to send the same request to several instances of a server program and process the responses obtained from each instance of the program. Each server is assumed to be executing the same program. However, the different instances of the server program have different data and/or states. Conventionally, the client program would have to be customized to accommodate each different instance of the server program. The invention eliminates the need to customize the client program and automates the communication without modification of the programs or the protocol.

As shown in Applicants' Figure 2A, the invention comprises a multiplexor M, with extensions to handle specific protocols. Further, the invention permits context-free operation under certain assumptions, allowing a single multiplexor to handle communications between many pairs of C-S, C'-S', C"-S" that share the same protocol P, without any additional programming. As shown in Applicants' Figure 2B, the inventive multiplexor 22 can operate with different instances of the client program C, C' and

09/500,921

different instances of the server program S0, S1, S2, S0', S1', etc., as well as operate with multiple instances of both programs simultaneously.

Applicants note that Scholl discloses a system that parses the client request into multiple different requests where each requested is submitted to a different managed network, while the claimed invention presents a method of processing multiple instances of a server program based on the same request from a single client program. Therefore, it is Applicants' position that Scholl is fundamentally different than the claimed invention and does not describe a similar or equivalent process as in the claimed invention.

The invention generates multiple instances of the same request from the single original request sent by the client program. The servers will send back a response to the client program, either indicating an error condition or successful execution, possibly returning some data. These responses are then modified and combined by the intermediary to correspond to the protocol instance of the client program (e.g., to the same format, version, data structure, etc. of the original request) so that the client program believes it is talking to a single server program in a one-to-one communication environment.

This is fundamentally different than what is being described in Scholl, because Scholl only directs a different portion of any client request to a single server. More specifically, item 25 in Figure 6 illustrates that Scholl merely forwards the portion of the same request to the appropriate network management proxy agent. Scholl does not generate instances of the same request, and instead merely sends the portion of the request to the server that will supply the appropriate answer.

More specifically, in column 7, line 58-column 8, line 14, Scholl explains that the request is parsed and translated with a programmable device, or a circuit device, into at least one network management request ("NMR"). The request is analyzed as to whether processing the request requires interaction with a managed network. If not, the request is processed locally; and if so, the request is forwarded to an appropriate network management proxy agent 25. After the forwarding step 25, the network management proxy agent determines whether the information is in the local database. If yes, the information is obtained therefrom; and if not the request is transmitted to a managed network by access protocols. Then network management information transmissions are

09/500,921

received in response to each request from a managed network (and may be stored in the local database for future retrieval).

This clearly demonstrates that Scholl does not generate "a plurality of instances of said same request using said intermediary" (independent claims 1, 16, 23, and 30) or modify "said same request to create multiple instances of said same request" and transfer "said instances of said same request to corresponding ones of said instances of said same server program" (independent claim 8) as in the claimed invention.

While Scholl states that the request is analyzed as to whether processing the request requires interaction with one or more managed networks, this does not indicate that multiple instances of the same request are transferred to different instances of the same server program, as in the claimed invention. To the contrary, the system disclosed in Scholl merely determines which single managed network will contain information that responds to the request (or a portion of the request) and then makes that request (or portion of the request) to that given network. There is no disclosure in Scholl that would teach or suggest to one ordinarily skilled in the art to generate "a plurality of instances of said same request" as in the claimed invention. Instead, Scholl merely requests that each managed network retrieve its portion of the information needed to respond to the request.

Therefore, as shown above, Scholl discloses a system that parses the client request into multiple different requests where each requested is submitted to a different managed network, while the claimed invention presents a method of processing multiple instances of the same request from a single client program. Therefore, it is Applicants position that Scholl is fundamentally different than the claimed invention. Thus, Applicants submit that Scholl does not teach or suggest "generating a plurality of instances of said same request using said intermediary" (independent claims 1, 16, and 23) or "modifying said same request to create multiple instances of said same request" and "transferring said instances of said same request to corresponding ones of said instances of said same server program" (independent claim 8) as in the claimed invention. In view of the foregoing, Applicants submit that independent claims 1, 8, 16, 23, and 30 are not anticipated (or rendered obvious) by Scholl and are patentable. Further, dependent claims 2, 3, 5-7, 9-12, 14, 15, 17, 18, 20-22, 24, 25, 27-31, and 33-35 are similarly patentable, not only by virtue of their dependency from a patentable independent claim, but also by virtue of the

09/500,921

additional features of the invention defined. In view the forgoing, the Examiner is respectfully requested to reconsider and withdraw this rejection.

**B. The Rejection Based on Scholl in view of Rogers**

Rogers is referenced for the limited purpose of teaching specific operations that are performed on the response data including listing, adding, subsets, maximums, minimums, and averages. Rogers is not referenced (and does not teach or suggest) the inventive feature of processing multiple instances of the same request to different instances of the same server program as in the claimed invention (as explained above). Therefore, Rogers does not cure the deficiencies of Scholl discussed above with respect to independent claims 1, 8, 16, 23, and 30 and such independent claims are patentable over any combination of Scholl and Rogers. Thus, it is Applicants position that independent claims 1, 8, 16, 23, and 30 are patentable over the prior art of record. Further, dependent claims 4, 13, 19, 26, and 32 are similarly patentable, not only because they depend from a patentable independent claim, but also because of the additional features the dependent claims define. In view the foregoing, the Examiner is respectfully requested to reconsider and withdraw this rejection.

**II. Formal Matters and Conclusion**

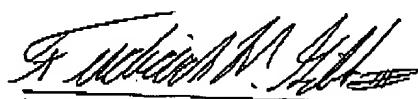
In view of the foregoing, Applicants submit that claims 1-35, all the claims presently pending in the application, are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary.

09/500,921

Please charge any deficiencies and credit any overpayments to Attorney's Deposit  
Account Number 09-0441.

Respectfully submitted,



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